



BellSouth Telecommunications, Inc.
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

joelle.phillips@bellsouth.com

REC'D TK
REGULATORY AUTH.

Joelle J. Phillips
Attorney

*02 JUN 14 10 51
615 214 6311
Fax 615 214 7406

OFFICE OF THE
EXECUTIVE SECRETARY

June 14, 2002

VIA HAND DELIVERY

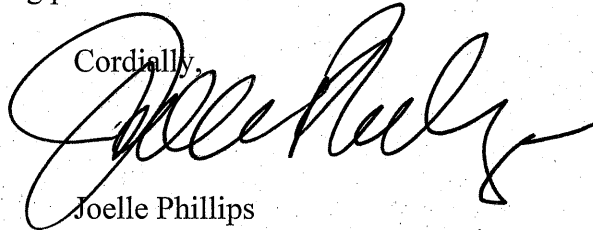
Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *Docket to Establish Generic Performance Measurements, Benchmarks and
Enforcement Mechanisms for BellSouth Telecommunications, Inc.*
Docket No. 01-00193

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Comments Regarding Erratum. Copies of the enclosed are being provided to counsel of record.

Cordially,



Joelle Phillips

JP/jej

Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In Re: *Docket to Establish Generic Performance Measures, Benchmarks, and Enforcement Mechanisms for BellSouth Telecommunications, Inc.*

Docket No. 01-00193

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
COMMENTS REGARDING ERRATUM**

BellSouth Telecommunications, Inc. ("BellSouth") files these comments regarding the Erratum as allowed by the Hearing Officer during the Directors' Conference on June 11, 2002.

On June 11, 2002, BellSouth learned that the Authority had issued an Erratum by which it substituted Exhibit A to its May 14, 2002 order in this docket with "the document containing performance measurements, benchmarks, and enforcement mechanisms that is attached to the official transcript and is included on the TRA website."¹ BellSouth understands the Erratum to mean that Exhibit A to the order is now the document BellSouth referred to in its earlier motion to reconsider as the "handout," without the MCI proposal on special access.

BellSouth believes the replacement of Exhibit A to the order with the document described above, results in only a very limited change in BellSouth's position as set out in its motion to reconsider.

First, the corrected order now provides that various mechanisms will be implemented within 10 days of the order, rather than immediately as provided in the erroneous order. BellSouth raised arguments in its motion for reconsideration regarding the impossibility of complying with various deadlines set out in the order. The alteration of the order to provide 10

¹ The Erratum states that the attachment of the wrong document was due to clerical error. In light of that explanation, it is unclear to BellSouth what the original Attachment A was and why that document was ever created.

days rather than immediate implementation would not provide BellSouth with sufficient additional time to alter BellSouth's argument regarding impossibility of compliance under the timetable set out in either order. BellSouth's brief discussed the time necessary to comply with the order on various measurements. In no case was BellSouth unable to comply immediately, yet able to comply within 10 days. Accordingly, lengthening the time from "immediately" to "10 days" provides BellSouth with no meaningful extension of time. BellSouth still contends that the implementation dates are not feasible.

In addition, BellSouth raised arguments in its motion to reconsider regarding the application of the Sunshine Law to the deliberation resulting in the May 14th order. The replacement of the erroneous order with the corrected order addresses only one small portion of BellSouth's argument regarding the Sunshine Law. The replacement of the order with the corrected order resolves the issue regarding whether any of the Directors deliberated changes to the order following the Agenda Conference.

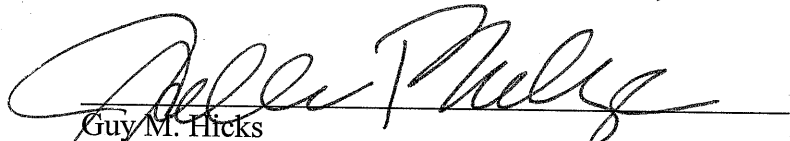
The more troubling aspects of the Sunshine Law issues raised by BellSouth in its motion are not addressed by the corrected order. For example, as BellSouth argued in its motion, neither BellSouth, nor any of the other parties in attendance at the hearing, was provided with the handout to Director Greer's motion during the time that it was being deliberated by the Directors. Accordingly, the public had only the oral motion and discussion of the Directors to rely upon in understanding the nature of the matter being deliberated. For example, based on the oral motion, BellSouth believed that the Directors were deliberating a motion to adopt BellSouth's penalties and categories. When the handout was made public after those deliberation were completed, it was clear that this was not at all what Director Greer's motion proposed. While Director Greer characterized his motion as a motion to adopt BellSouth's penalties, instead the motion adopted

something very different. For all of the reasons set forth in BellSouth's motion to reconsider, this failure to provide the public with adequate information by which to meaningfully observe the deliberative process, violates the Sunshine Law and results in a procedural defect regarding the order. For the foregoing reasons, BellSouth reiterates that all but one limited portion of its motion to reconsider is unchanged by the alteration of the order in this docket.

For the reasons set forth above, and the reasons set forth in BellSouth's motion to reconsider, BellSouth respectfully urges the Authority to reject Director Greer's motion and instead adopt BellSouth's suggested performance measurements, benchmarks, and enforcement mechanisms.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.


Guy M. Hicks
Joelle Phillips
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301

R. Douglas Lackey
J. Phillip Carver
675 West Peachtree St., NE, Suite 4300
Atlanta, GA 30375-0001

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2002, a copy of the foregoing document was served on the following parties, via the method indicated:

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James Lamoureux, Esquire
AT&T
1200 Peachtree St., NE
Atlanta, GA 30309

☐ Hand
☐ Mail
☒ Facsimile
☐ Overnight

Henry Walker, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062

☐ Hand
☐ Mail
☒ Facsimile
☐ Overnight

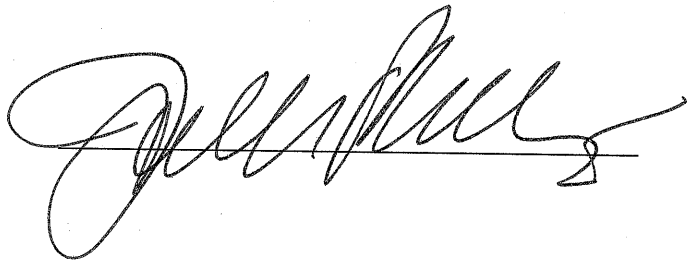
Jon E. Hastings, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062

☐ Hand
☐ Mail
☒ Facsimile
☐ Overnight

Charles B. Welch, Esquire
Farris, Mathews, et al.
618 Church St., #300
Nashville, TN 37219

☐ Hand
☐ Mail
☒ Facsimile
☐ Overnight

Dana Shaffer, Esquire
XO Communications, Inc.
105 Malloy Street
Nashville, TN 37201

A handwritten signature in black ink, appearing to read 'Dana Shaffer', is written over a horizontal line.